

### **REMARKS**

In this Amendment, Applicant has amended Claims 2 and 7 to overcome the rejection and specify the embodiments of the present invention. It is respectfully submitted that no new matter has been introduced by the amended claims. All claims are now present for examination and favorable reconsideration is respectfully requested in view of the preceding amendments and the following comments.

#### **REJECTIONS UNDER 35 U.S.C. § 112 SECOND PARAGRAPH:**

Claims 2 and 7 have been rejected under 35 U.S.C. 112 second paragraph as allegedly being failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Applicant respectfully submits that the rejection has been overcome by the present amendment. The Examiner alleges that it is improper to recite direct transmission of the operational code from the first wireless signal transmitter to the media file reading and display apparatus because of the functional operation of the data console (4) as an intermediate transmission device. It is respectfully submitted that the Examiner has some confusion/misunderstanding of the presently claimed invention. In particular, the data console (4) is an optional feature of the present invention and is not encompassed by the present scopes of Claims 2 and 7. As disclosed in paragraph [0073] of the specification, the data console (4) is an optional IR transmitter only in design for the purpose of keeping scores in a game. The data console (4) is not functionally involved in resolving which of the plurality of wireless signal transmitters is the first to transmit. Instead, as recited in Claims 2 and 7, and explained in paragraph [0066] of the description, the means for resolving the first wireless signal to transmit is contained in each of the wireless signal transmitters themselves, and upon resolution, the determined first wireless signal transmitter transmits the operational code directly to the media file reading and display apparatus during game play.

Therefore, the rejection under 35 U.S.C. § 112, second paragraph, has been overcome. Accordingly, withdrawal of the rejections under 35 U.S.C. § 112, second paragraph, is respectfully requested.

REJECTIONS UNDER 35 U.S.C. § 103:

Claims 2, 4, 5, 7 and 10 – 16 have been rejected under 35 U.S.C. § 102 (e) as allegedly being anticipated by Kavanagh (US 7,003,598) in view of Flinn (US 6,657,550).

Applicant traverses the rejection and respectfully submits that the presently claimed invention is not anticipated by or obvious over the cited references. More specifically, the comparison codes are now further recited as including an encoded first and second silent period. Advantageously, the time durations of the first and second encoded silent periods are predetermined by reference to a set theory algorithm such that upon near simultaneous transmission of the comparison codes, the comparison codes retain their own individual unique identities and, therefore, can still be successfully decoded to correctly determine the first wireless transceiver unit to transmit. Support for the amendment is provided at paragraphs [0082]-[0106] of the description and by reference to Figs. 11 to 18. No new subject matter is recited in the claims.

In contrast, both Kavanagh and Flinn not only fail to teach or suggest of the above specifically-recited feature in amended Claims 2 and 7, they also fail to teach of any effective alternative functional mechanism for resolving the first to transmit during near simultaneous transmission of signals. In particular, neither Kavanagh or Flinn teaches encoding comparison codes with first and second silent periods having time durations predetermined based on a set theory algorithm. In fact, the wireless signals described in Kavanagh and Flinn references do not even include any suggestion of an encoding mechanism which is suitable for allowing identification of the wireless signals during near simultaneous transmission in contemplation of the effects of collision/interference upon such signals.

It is also noted that transmitters in Flinn are configured for transmission of signals only. The lock-out mechanism is located in a central receiver with decoder and processor to receive and decode the signals from the transmitters. After determining the first transmitted signal, the lock-out system of Flinn is supposed to stop further signals from passing through the decoder for processing.

It would be readily apparent to the skilled reader that there is major fault in the system taught by Flinn. That is, as the transmitted signals are ordinary 12-bit digital signals consisting of an 8-bit address and 4 bits of data (see col. 6, lines 4-10 and col. 6, lines 52-62) when transmitted near simultaneously, there is no encoding mechanism in the signals which would prevent the signals from colliding/interfering so that they may be correctly and reliably decoded/identified by the central receiver. Moreover, as the encoders and decoders for generating and decoding the signals in Flinn are typical commercially available encoders and decoders, this does not enable correct and reliable decoding of the transmitted signals following collision/interference during near simultaneous transmission. Furthermore, as the identity of the first transmitted signal cannot be correctly and reliably identified, the lock out mechanism will fail to operate and cannot reliably prevent subsequent signals from passing through the decoder.

In order for Flinn's lock-out system to work, the decoder in Flinn's central receiver/processor must receive a single transmitted 12-bit signals without any collision/interference in order for the 8-bit address of the first transmitted signal to be properly and reliably decoded to identify it and the unit which transmitted it. This simply is not the case during near simultaneous transmission of signals.

The references contain no teaching of means for resolving first to transmit in each of the wireless signal transceiver units:

Claims 2 and 7 recite that the means for resolving which of the at least two wireless signal transceiver units is the first to transmit is disposed in each of the wireless signal transceiver units.

First, Flinn fails to teach of any means for resolving the first unit to transmit during near simultaneous transmission of signals for the reasons outlined above under point 2.1.

Second, the receiver/central processing component in Flinn which is incorrectly alleged by the Examiner to be able to resolve the first unit to transmit is a centralized unit. Therefore, even in the event that the receiver/central processing component were able to provide a means for resolving the first unit to transmit during near simultaneous transmission of signals, this would not be performed in each of the wireless signal transceiver units as required by Claims 2 and 7, but would instead be performed centrally in the receiver/central processing component. This is understood from a reading of col. 2 lines 21-31 in Flinn which states the following:

*"In another embodiment of the present invention, a wireless lock-out apparatus is provided. The apparatus has a plurality of transmitters for transmitting a plurality of signals wherein each signal uniquely identifies one of the plurality of transmitters. A central processing component is provided wherein the central processing component includes a receiver for receiving a first transmitted signal, a processor for processing the first transmitted signal, a lock-out means for locking out subsequent transmitted signals, and an indicator for identifying the first transmitted signal."*

Therefore, Flinn not only fails to teach of a means for resolving the first unit to transmit during near simultaneous transmission of wireless signals, but also, teaches of using a centralized unit to allegedly provide the means for resolving (which is not provided in each of the wireless signal transceiver units. )

Accordingly, the present invention is advantageous over Flinn in being able to resolve the first unit to transmit during near simultaneous transmission of wireless signals. In addition, it alleviates additional costs and inconvenience associated with employing a separate stand-alone receiver/processor box as in Flinn to allegedly resolve the first unit to transmit during near simultaneous transmission.

The reference contains no teaching of non-standard operational signals used:

Claims 2 and 7 recite that:

*"...the infrared wireless signals are not indicative of signals ordinarily used to control operation of the media file reading and display apparatus..."*

As indicated in the description at paragraph [0056], signals associated with control buttons such as "play", "stop", "pause", "rewind", "fast forward", "enter" etc. which are ordinarily used to control play-back and navigation of a media file, are not used in the presently claimed invention.

Bearing in mind the above, Applicant notes that at paragraph 5 of the Office Action, the Examiner has stated the following:

*"Kavanagh teaches a game apparatus for use with a media file reading such as a DVD player (101) and display apparatus such as a TV (100) operable by wireless signals through a wireless signal receiver (see fig. 1) said game apparatus comprising wireless signal transmitter units for producing infrared wireless signals in response to user inputs entered into the wireless signal transmitter/game controller units where the infrared signals generated by the game control unit are not indicative of signals ordinary processed by the media file reading and display apparatus, which means that the infrared signal produced by the game control unit is different from the regular DVD operational signals (see abstract; col. 4 lines 20-51);*

However, the Examiner appears to have merely assumed that the Kavanagh invention involves transmission of infrared signals not being indicative of signals ordinarily processed by the media file reading and display apparatus without providing any specific basis for substantiation this conclusion.

For instance, referring to col. 4 lines 20-51 of Kavanagh, the disclosure is entirely irrelevant to the above feature in question and certainly provides no teaching or suggestion whatsoever of the non-ordinary control signals being used to control operation of the media file reading and display apparatus. Instead, the reference in Kavanagh cited by the Examiner merely discusses the game console.

Furthermore, the Abstract which has been relied upon by the Examiner as disclosing the use of non-ordinary control signals actually teaches the exact opposite of this. The Abstract quite clearly and incontrovertibly states that:

*"...the game control unit mimics standard remote control signals to control playback of the audiovisual content by the DVD player."*

Furthermore, Kavanagh clearly states at col. 1 lines 39-40 that:

*"According to present invention, a simple inexpensive portable computer device executes an interactive computer program such as a computer game and uses standard infrared (IR) remote control signals to cause standard home entertainment equipment to provide output to the user as part of the interactive program."*

Yet further in Kavanagh at col. 2 line 65 to col. 3 line 6 it is stated that:

*"ROM 203 also contains a list of predefined DVD-player IR control codes and a configuration program to re-program the remote unit 103 by an IR receiver 207 . As described more completely below, game control unit 103 mimics a remote control of DVD player 101 to cause playback of multimedia content on DVD 106 through DVD player 101 to provide a rich multimedia game play experience in accordance with the program stored on memory device 104 ."*

Yet further at col. 7 lines 41-57, Kavanagh again clearly discloses the use of standard remote control signals used to control a media file reading display and apparatus device. That is:

*"...Code 302 is programmed to display an initial multimedia clip to initiate game play. This clip is presented in response to the user's pressing of the "Start" key. To get to the intended initial clip, code 302 causes game control unit 103 to issue successive remote control signals to DVD player 101 to make a selection from the current, invisible menu displayed by DVD player 101 on television 100 . For example, consider that the initial clip is accessible by pressing a "down" key on a conventional remote control three times then pressing an "enter" key. In response to pressing of the "Start" key by the user, code 302 causes game control device 103 to issue remote control signals emulating three distinct "down" key presses followed by one "enter" key press. Although control is still provided through the IR interface of DVD player 101 , game control unit 103 can force the navigation of DVD 106 on the embedded navigation stream data included as a feature consistent with a standard DVD format."*

Furthermore at col. 8 lines 3-27, Kavanagh also clearly indicates that an example of a quiz game in which exact same standard operating signals as those used in DVD remote control signals are used:

*"In this illustrative quiz-type game, the operation of DVD player 101 under control of game control unit 103 allows the user to answer a number of questions randomly selected from a collection of sixty-four (64) questions. To randomly select a question for presentation to the user, code 302 causes CPU 201 to generate a random number to thereby select a question at random. Then, to present the question to the user, code 302 causes game control unit 104 to send remote control signals causing the selected question to be displayed to the user through television*

*100 . DVD 106 represents the questions as thirty-two (32) respective menu buttons organized in a grid of eight (8) columns by four (4) rows, for example, which are not visible to the user. The remote control signals issued by game control unit 103 to initiate play of the selected question are those that the user would ordinarily use to access the representative clip on DVD 106, e.g., <down><down><right><right><enter> & gt; to initiate playback of the question clip associated with the menu button on the third row down and the third column from the left. The button pressed by the user to answer the question does not specify a clip of DVD 106 to be played but instead represents an answer to the recently viewed question. Code 302 interprets the pressed button as either a correct or incorrect answer and selects content to play in response thereto accordingly.”*

In view of the clear and consistent teachings in Kavanagh directed to the use of standard control signals, it cannot be reasonably considered that the cited reference teaches the use of infrared wireless signals being not indicative of signals ordinarily used to control operation of the media file reading and display apparatus.

The approach adopted in Kavanagh is undesirable and disadvantageous in comparison to the present invention defined in Claims 2 and 7 because the transmitted signals will collide and interfere during simultaneous transmission so as to be incapable of resolving the first unit to transmit. In addition, because the signals are infrared, they can be received by the media file reading and display apparatus and the means for resolving simultaneously, which can cause premature operation of the media file reading and display apparatus.

On the other hand, the invention of Claims 2 and 7 splits the wireless signals into two parts - the “comparison codes” which are first transmitted for use in resolving the first unit to transmit, and, the “operational codes” which control actual operation of the file reading and display apparatus. Because the comparison codes are not standard signals used to operate the media file reading and display apparatus, there will not be a risk of premature operation of the DVD player when the comparison codes are initially transmitted for resolving the first unit to transmit within each of the wireless transceiver units.

The references contain no teaching of imposed-offset addressing:

The Examiner has again alleges that Kavanagh teaches of the use of imposed-offset addressing to enable direct selection of a game play option. That is, the Examiner has stated:

*"Direct selection and display of a media file/game play wherein the selection and display is an indication of a game option (see col. 5, lines 6-17) by utilizing imposed offset addressing where specific inputs are set on the game controller to produce specific single step activation (see col. 10, lines 13-36) which explains that the game controller is set up in such a way that there are specific keys associated with certain actions in a game where each buttons could be assigned a specific character in the game hence providing single step activation"*

It is respectfully submitted that Kavanagh does not teach of imposed-offset addressing at all in the document. Instead, in order to achieve Kavanagh's single step activation as described in the Examiner's comments above, Kavanagh's game remote control requires a memory device which stores game data and navigation maps that matches a DVD in use. This is clearly indicated at col. 2, line 41 to line 61 of the Kavanagh specification which explains the need and main function of the memory device to select a game option.

Furthermore, as discussed above, the actual signals used in the game remote control in Kavanagh are clearly designed to mimic standard DVD remote control signals not by means of imposed-offset addressing method but instead, by use of actual standard DVD remote control signals used to operate a DVD player. This is evident from a reading of col. 7, line 41 to line 54 as well as col. 8, line 3 to 22 of Kavanagh. As would be readily apparent to a person of ordinary skill in the art, the sequential transmission of several signals ordinarily used to control the media file reading and display apparatus by Kavanagh results in game option selection which is different to the imposed-offset addressing approach as claimed in the present invention.

Therefore, the newly presented claims are not anticipated by or obvious over the cited references and the rejection under 35 U.S.C. § 103(a) has been overcome. Accordingly, withdrawal of the rejection under 35 U.S.C. § 103(a) is respectfully requested.



REQUEST FOR INTERVIEW:

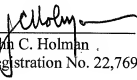
If the Examiner believes that the current amendment will not put the application in condition for allowance, the Applicant respectfully requests the Examiner to contact the undersigned attorney to arrange an interview regarding the application.

Having overcome all outstanding grounds of rejection, the application is now in condition for allowance, and prompt action toward that end is respectfully solicited.

Respectfully submitted,

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